

Chairman's Report: Thursday, June 27, 1996

1. Call to Order/Roll Call.

Call on MARGIT.

2. Public Comments.

PAT: This is the time for public comments on any topic not on the agenda.

3. Minutes of May 23, 1996 Meeting.

Needs MOTION and SECOND; VOICE VOTE.

4. Chairman's Report.

The next Commission meeting will be Thursday, July 25, 1996, and will be held here in the Jean Harvie Community Center.

Resolution of Attorney's Fees Issue: I am pleased to announce that the Commission does not have to pay the \$120,000 in attorney's fees requested by Bio Gro after BioGro won its lawsuit against the Commission. The Judge's decision was released on June 11, 1996. While they are not here, I want to thank Rick Frank and Christine Sproul for their work on this matter. Copies of the letter from the Judge are available from staff.

Status of SB 1673: Margit and I attended a hearing before the Assembly Natural Resources Committee on Monday, June 17. The Committee approved the two-year time extension, with one proposed amendment--to drop the ten percent penalty for fines in the Delta. The author agreed to the change. Next stop for the legislation is the Assembly Appropriations Committee which is scheduled for July 10. The Legislature should be ending on August 23, so all action must be completed by that date.

Status of Budget: The Commission's budget was approved by the Senate, but only the regular budget was approved by the Assembly, not the added funding needed if the Commission is extended beyond January 1, 1997. The Commission's budget is now part of the overall budget being negotiated by the Governor and the Legislature.

Upcoming Delta Events: July 28, 1996: Pear Fair in Courtland.

5. Executive Director's Report.

Call on MARGIT:

GIS: The GIS is now part of the Resources Agency's computerized geographic information system, called CERES. You have received tonight a sheet with the Internet address for CERES, you go there, look for Delta Protection Commission under Commissions and Boards, and you can connect to the Commission's homepage. The Commission's home page will continue to be improved and updated over the next few months. You also have the Commission's e-mail address and the location of free computers in the area with access to the Internet.

RECREATION: Department of Parks and Recreation Recreation Use Survey: Recreation Subcommittee meeting on Thursday, May 30. Pre-testing completed; survey of boaters underway; survey of fishermen to start in about one month. Inventory of recreation facilities by staff completed, will be refined to submit to Commission with survey. Next week development of the boater mailing list of 10,000 will be completed; a test mailing will go mid-July; remainder by the end of the month. Respondents to these first mailings will then receive the actual questionnaires. Current timeline from Parks and Recreation, submittal by November.

CHANNEL ISLANDS: I have been representing the Commission at Channel Islands Workshop, the latest was held on June 12. The participants are very enthusiastic about pursuit of protection and enhancement of in-channel islands, and have prepared a list of funding sources, a review of physical techniques for shoreline protection; a draft MOU for entities to sign, and work plan.

CALFED Workshop: I attended the most recent workshop on Tuesday, June 25, all day. The purpose of the workshop was to discuss the selected alternatives which will be analyzed in the environmental document. You have received to night a memo which summarizes the three alternatives which will be studied further in the environmental document for the CALFED process over the next year and a half to two years.

FARM BILL: I also reproduced for your information a short article from the AFT magazine explaining the new 1996 Farm Bill.

IN PACKET: reproduction of Delta supplement from CoCoTimes.

6. Pending Projects Memo.

PAT: Are there any comments or questions about the pending projects memo?

7. Update on Status of Proposed Regulation and Proposed Amendment to the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Plan) Addressing Siting of Sewage Treatment Plants and Areas for Disposal of Sewage Effluent and Sewage Sludge.

Call on MARGIT.

Staff Report: Due to scheduling conflicts with the Attorney General's staff's work load, it now appears the P-3 vote will be in August. That is my current target date.

State: An update on the lawsuit by Central Delta and South Delta water agencies against the State Water Board to nullify the permits for sludge disposal issued under the General Order: the State Board asked the attorneys who brought the suit to propose a settlement. A settlement has been submitted which would nullify permits in the Sacramento and San Joaquin River watersheds that are within 60 feet of groundwater or 600 feet of a waterway. They are waiting for a response.

Local:

Solano County: Staff has prepared a revised draft ordinance to circulate to the Land Task Force Members; comments are due July 8, 1996.

San Joaquin: On Tuesday, the San Joaquin Farm Bureau asked for a consideration of a moratorium on sludge application in the County; the matter is agendaized for Tuesday, July 2, 1996.

(PAT: private note to you: can you as Chair or staff send a letter of support to the BOS re this moratorium?)

Yolo: Staff is working on the proposed ordinance; no draft has been released.

8. Public Hearing and Possible Commission Adoption of Budget and Work Plan for FY 96-97 (Through January 1, 1997 only).

PAT: This matter was carried over from last month's meeting. The proposed budget and work plan covers the first half of FY 96-97, until the Commission's sunset date of January 1, 1997. If the Commission's sunset date is extended, staff will prepare a revised work plan for Commission consideration.

MARGIT: Mr. Chairman, as noted, the proposed budget and work plan covers the remainder of the calendar year, and covers completion of work tasks now under preparation, continued work with the local governments to complete the general plan amendment process, and provides for a final report to the Legislature. The level of funding remains the same as last year, only cut in half. I have reviewed the status of much of the current work program; the proposed work program would be to continue to on-going projects, complete those that are underway and not yet completed and not to start any new major projects. The direction of the Chair is to review the work program again, and bring it back to the Commission for review and approval, if the Commission's sunset date is extended. I would be glad to review the programs in detail, or answer any questions.

PAT: Any questions?

OPEN PUBLIC HEARING: Are there any public comments on the budget and work plan?

CLOSE PUBLIC HEARING.

Let's bring the matter back to the Commission for discussion. Any discussion or comments?

Needs MOTION; SECOND; Needs VOICE VOTE.

9. Public Hearing and Possible Commission Adoption of Position on Pending Legislation:

- Tab*
- a. AB 2193(Rainey) Control of Egeria Densa in Delta waterways.
 - b. SB 900(Costa) Bond Funds for Water Projects, includes funds for levee maintenance. Bill is in conference committee; ~~language will be sent as soon as available.~~
 - c. AB 360(Hannigan) Adds "project" levees in the state-funded levee maintenance program. Additional language is being considered which would extend and expand the current subvention program under SB 34; language will be sent as soon as available.
- Bob
Art
Dwyer*

PAT: The new language for SB 900 and AB 360 has not been released. I suggest that we table consideration of those two items. If the language becomes available before the next meeting, the Commission can address them at that time. Is that acceptable?

The Commission will consider taking positions of support on AB 2193, authorized by Assemblyman Hannigan. (Call on MARGIT)

MARGIT: Mr. Chairman, the proposed legislation would designate the Department of Boating and Waterways as the agency charged with managing the exotic plant, egeria densa, which has been creating a nuisance to boaters and water districts in the western Delta. The proposed language does not include funding for carrying out a program, that would be handled separately after a program is developed; that bill does not specify the WAY the plant will be controlled. Generally, there are mechanical and chemical means. Usually the mechanical are more expensive and slower and must be weighed against the safety and water quality issues associated with chemical applications. I would be glad to answer any questions.

PAT: The Commission's Legislative Subcommittee met earlier this evening and should have a report for us. Heather, do you have any comments?

Call on HEATHER FARGO:

PAT: OPEN PUBLIC HEARING: Is there any member of the public who wishes to comment AB 2193?

CLOSE PUBLIC HEARING.

Lets bring the matter back to the Commission for discussion. (NOTE: Motion should be to direct Chairman to send letter of support to bill author).

Need MOTION; SECOND; and VOICE VOTE.

10. Continued Commission Consideration of Abandoned Vessels in the Delta Waterways.

PAT: The Commission held a public hearing on this issue in January. The Commission requested additional information on the issues raised at the public hearing. Based on additional information, the Commission may recommend a course of action in support of a program to remove abandoned vessels from Delta waterways. (Call on MARGIT)

MARGIT: Mr. Chairman, In January, the Commission held a public hearing on this matter. The minutes of that meeting are included in your packet. At that meeting, the Commission indicated interest in helping to resolve this regional issue, but requested more information about moored vessels. Staff researched those issues and included some additional information in this meeting's staff report, but the staff report includes no new information about abandoned vessels. The issues seem to be basically two: who should pay for removal and disposal of abandoned vessels? and second, is the process for removing vessels in need of updating to speed removal of these abandoned boats?

Funding could come from existing "taxes" on boaters, e.g. private property tax paid annually by the boater and collected and spent by the Counties; gas tax which is paid by boat owners who buy boat gas, and collected and spent by the Department and Boating and Waterways and the Legislature, or by some new source of funds, such as a vessel registration fee, a boat sales tax increase, or some other vessel/boating related "tax", or some other source, such as fines levied against violators in the Delta, toxic clean-up funds, water quality funds, or other sources.

The process for identifying, tagging, notifying owners, and removing abandoned vessels should be reviewed to see if there is a need to "streamline" the existing process. Concerns were raised that some vessels have clearly been "dumped", this is not a matter of fining the owner and asking the owner to come collect a valuable and useful boat. This is a matter of junked vessels that need to be removed from the waterways to prevent pollution, prevent scattering of debris, and prevent underwater obstacles.

The focus of the Commission's discussion should be is there a regional Delta issue that needs to be addressed and what role if any can the Commission play in helping to identify, address and/or resolve the issue. A range of options include: some way of recognizing there is a problem (letter, resolution); offering to assist in developing a solution (sponsoring a workshop, participate in legislative hearings); or any other means the Commission might suggest.

PAT: The Legislative Subcommittee met earlier this evening and addressed this issue and has a report for us.

HEATHER FARGO:

PAT: Are there any questions of staff?

PAT: Are there any members of the public that wish to comment on this issue?

Close the public comment period, and bring back to the Commission for discussion. Are there any comments or discussion on the issue?

Need MOTION; SECOND: need VOICE VOTE.

11. Commissioner Comments.

PAT: This is an opportunity for Commissioners to make announcements or comments.

12. Adjourn.